

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Judiciary

Thursday, February 25, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Gillespie  
P Heidepriem  
P Schmidt  
P Turbak Berry  
P Vehle  
P Tieszen, Vice-Chair  
P Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gene G. Abdallah, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 23, 2010

Moved by: Vehle  
Second by: Tieszen  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1244 UNTIL TUESDAY, MARCH 2, 2010

THE CHAIR DEFERRED HB 1105 UNTIL TUESDAY, MARCH 2, 2010

MOTION: CONFIRM REAPPOINTMENT OF SHARON KALLEMEYN OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE CRIME VICTIMS COMPENSATION COMMISSION

Moved by: Gillespie  
Second by: Tieszen  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: CONFIRM REAPPOINTMENT OF BRIAN K. ZEEB OF BROOKINGS COUNTY, BROOKINGS, SOUTH DAKOTA, TO THE SOUTH DAKOTA COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION

Moved by: Gillespie

Second by: Turbak Berry

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

HB 1075: revise certain provisions relating to credit against unpaid fines and costs for time served and to disallow credit for time served against unpaid victim restitution.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1075

Moved by: Turbak Berry

Second by: Gillespie

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1075 ON CONSENT CALENDAR

Moved by: Tieszen

Second by: Gillespie

Action: Prevailed by voice vote.

HB 1076: repeal certain statutes related to the testimony of sex offense victims and to evidence of a victim's prior sexual conduct in coordination with the adoption of certain evidentiary rules by the Supreme Court.

Presented by: Greg Sattizahn, Unified Judicial System

Proponents: Dianna Miller, SD Network Against Family Violence & Sexual Assault  
Thomas Barnett Jr., SD State Bar

MOTION: DO PASS HB 1076

Moved by: Turbak Berry  
Second by: Heidepriem  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1076 ON CONSENT CALENDAR

Moved by: Gillespie  
Second by: Turbak Berry  
Action: Prevailed by voice vote.

HB 1077: enact a procedure for delayed appeal if the petitioner was unconstitutionally denied the right of appeal.

Presented by: Greg Sattizahn, Unified Judicial System  
Opponents: Roger Tellinghuisen, SD Trial Lawyers Association

THE CHAIR DEFERRED HB 1077 UNTIL THURSDAY, MARCH 4, 2010

HB 1078: revise certain provisions regarding court records inspection and copying.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1078

Moved by: Turbak Berry  
Second by: Vehle  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1078 ON CONSENT CALENDAR

Moved by: Gillespie  
Second by: Turbak Berry  
Action: Prevailed by voice vote.

HB 1079: revise certain provisions relating to the issuance of a new birth certificate in certain adoptions.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1079

Moved by: Heidepriem  
Second by: Gillespie  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1079 ON CONSENT CALENDAR

Moved by: Heidepriem  
Second by: Gillespie  
Action: Prevailed by voice vote.

HB 1080: correct the omission of a reference to fifth-offense DUI for habitual offender cases and to remove certain outdated language.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1080

Moved by: Turbak Berry  
Second by: Tieszen  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1080 ON CONSENT CALENDAR

Moved by: Tieszen  
Second by: Vehle  
Action: Prevailed by voice vote.

The gavel was passed to Senator Craig Tieszen, Vice-Chair

HB 1104: limit the source of recovery in certain civil actions for childhood sexual abuse injuries.

Presented by: Senator Cooper Garnos  
Proponents: Steve Smith, self, Chamberlain (handout: #1)  
Jeremiah D. Murphy, self, Sioux Falls

MOTION: DO PASS HB 1104

Moved by: Abdallah

Second by: Vehle

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE HB 1104 ON CONSENT CALENDAR

Moved by: Turbak Berry

Second by: Abdallah

Action: Prevailed by voice vote.

The gavel was returned to Senator Gene G. Abdallah, Chair

HB 1092: revise the certain provisions concerning continuing liens on wages by garnishment.

Presented by: Senator Tom Hansen

Proponents: Jim Hood, SD Retailers Association  
Roger Tellinghuisen, SD Trial Lawyers Association  
Representative Mark Kirkeby

MOTION: DO PASS HB 1092

Moved by: Gillespie

Second by: Vehle

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

HB 1265: revise certain provisions related to indigent counsel.

Presented by: Senator Tom Hansen

Proponents: Representative Peggy Gibson (handout: #2)  
Chuck Schroyer, SD States Attorneys Association

THE CHAIR DEFERRED HB 1265 UNTIL THURSDAY, MARCH 4

The gavel was passed to Senator Craig Tieszen, Vice-Chair

HB 1071: revise certain provisions relating to parental liability for willful acts of a child and to revise the limitation on recovery.

Presented by: Representative Richard Engels

MOTION: DO PASS HB 1071

Moved by: Vehle

Second by: Heidepriem

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen

Excused: Abdallah

MOTION: PLACE HB 1071 ON CONSENT CALENDAR

Moved by: Turbak Berry

Second by: Heidepriem

Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1110 UNTIL TUESDAY, MARCH 2, 2010

MOTION: ADJOURN

Moved by: Gillespie

Second by: Vehle

Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

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Gene G. Abdallah, Chair